

**TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE**



**FISCAL NOTE**

**SB 2757 - HB 2918**

February 9, 2010

**SUMMARY OF BILL:** Includes the intentional murder of a victim because of race, color, religion, nationality, or country of origin; purposely discharging a firearm from a vehicle at a person, another vehicle, or residential or commercial structure that the defendant knew or should have known was occupied by a person and such discharge resulting in the death of another; and a murder committed against a witness, potential witness, or a family member of a witness in the list of aggravating circumstances that support a sentence of death or life without parole.

**ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures – Net Impact – \$134,100/Incarceration\***

**Other Fiscal Impact – It is estimated that an average of two offenders every 10 years will receive a death sentence. The cost of executing each offender will exceed \$15,000. The cost to the state for trials and appeals from death-sentenced offenders is substantially higher than for other cases. It is estimated that the additional cost of trials and appeals from death sentences will exceed \$750,000 for each case.**

**Assumptions:**

- According to the Department of Correction (DOC) in FY08-09 there were 37 offenders released for murder one offenses with an average time served of 26 years. DOC estimates six additional admissions every 10 years with four offenders receiving a life sentence (51 years) and two offenders receiving a death sentence.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. No significant incarceration cost increase will occur due to population growth in this period. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on six offenders every 10 years with four offenders serving an additional 25 years (an increase from 26 to 51 years) and two offenders every 10 years receiving a death sentence (a decrease from 25 years to 20.33 years).
- According to DOC, the average operating cost per offender per day for calendar year 2010 is \$59.86. The cost per conviction in the tenth year is \$218,638.65 (\$59.86 x 3,652.50 days). The annualized cost per convictions is \$43,727.73 (0.20 annual number

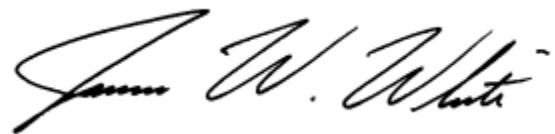
of convictions x 3,652.50 days x \$59.86). The annualized cost for four offenders is \$174,910.92 (\$43,727.73 x 4).

- Since 2000, six offenders have been executed after serving an average of 20.33 years. The sentence for life is a 25-year sentence. If one person receives a death sentence rather than life, that person would serve 4.67 years less (25 years – 20.33 years). The incarceration cost for 4.67 years (1,705.72 days) is \$102,104.40 (\$59.86 x 1,705.72 days). The annualized cost per conviction is \$20,420.88 (0.20 annual number of convictions x 1,705.72 days x \$59.86). The annualized cost for two offenders is \$40,841.76 (\$20,420.88 x 2).
- The net impact of this bill is an increase in state expenditures for incarceration of \$134,069.16 (\$174,910.92 - \$40,841.76).
- The cost of executing an offender will exceed \$15,000.
- The state incurs substantial out-of-pocket expenses in death-sentence trials and appeals. These include costs of appointed attorneys, expert witnesses, investigation, jury sequestration, and related matters. These additional costs are estimated to exceed \$750,000 in each case.
- Any impact on caseloads for the state trial courts can be accommodated within existing judicial resources without an increased appropriation or reduced reversion.

*\*Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

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